

) Case No.5:05cv 143

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On 01/27/2005, Petitioner filed a *pro se* Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Dkt. # 1). The case was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2 (Dkt. # 5). On 12/13/2005, the Magistrate Judge recommended that Petitioner's application for habeas corpus be dismissed (Dkt. # 12).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. . Petitioner filed objections 12/28/2005 (Dkt.# 13).

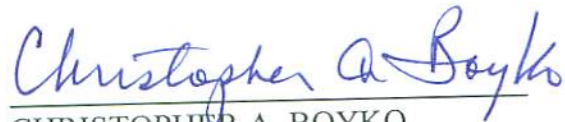
The Court finds that the Petitioner has procedurally defaulted all four of his grounds for relief and has failed to establish cause and prejudice or that a fundamental miscarriage of justice will occur if his grounds for relief are not reviewed.

Therefore, Magistrate Judge Limbert's report and recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt. # 1) is **DENIED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 01/12/2007

A handwritten signature in blue ink that reads "Christopher A. Boyko". The signature is written in a cursive, flowing style.

CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE